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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DAVID A. BOCHNER,

Plaintiff,

-against-

**A.R.E.B.A. CASRIEL, INC. and PAN
AMERICAN MEDICAL CENTER,**

Defendants.

*J Chin
MJ Freeman*

Case No.: 07 CV 7633

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. § 1441
(DIVERSITY OF CITIZENSHIP)**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

1. A.R.E.B.A. Casriel, Inc. and Pan American Medical Center are defendants in the civil action brought on or about July 25, 2007 in the Supreme Court of the State of New York, New York County. Pursuant to provisions of Sections 1441 and 1446 of Title 28 of the United States Code, all of the defendants remove this action to the United States District Court for the Southern District of New York, which is the judicial district in which the action is pending.

2. The grounds for removal of this action are:

- a. On July 25, 2007, plaintiff filed a complaint in the Supreme Court of the State of New York, New York County, index number 07/110204;
- b. Defendants were served with the Summons and Verified Complaint on September 30, 2007;
- c. There is complete diversity of citizenship between the plaintiff and defendants in this action because:
 - i. The plaintiff is a natural person and a resident of the State of New Jersey who maintains a residential address at 37 Howard Park Drive, Tenafly, New Jersey;
 - ii. Defendants A.R.E.B.A. Casriel, Inc. and Pan American Medical Center are New York corporations. A.R.E.B.A. Casriel, Inc. maintains its principle place of business at 555 West 57th Street, New York, New York. Pan American Medical Center maintains its principle place of business at 500 West 57th Street, New York, New York.
- d. More than \$75,000, exclusive of interest and costs, is in controversy in this action since plaintiff is alleging that Defendants breached a contract to pay him \$100,000 in annual "guaranteed deferred compensation."

4. This court would have had original subject matter jurisdiction of this action under the provisions of 28 U.S.C. § 1332 if the action had originally been brought in federal court. Removal is, therefore, proper under 28 U.S.C. § 1441(a).

5. This Notice of Removal is timely under Section 1446(b) of Title 28 of the United States Code because the complaint in this action was served on or about September 30, 2007. This Notice of Removal is filed within 30 days of receipt of the

complaint and within one year of the commencement of the action, so that it is timely filed under 28 U.S.C. § 1446(b).

6. All state-court papers served on defendants at the time of removal, consisting of the summons and verified complaint are attached as Exhibit "A."

Dated: Lake Success, NY
August 23, 2007

MILMAN & HEIDECKER
By: _____
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